

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE
LITIGATION

21 MC 102 (AKH)

21 MC 103 (AKH)

IN RE: COMBINED WORLD TRADE
CENTER LOWER MANHATTAN DISASTER
SITE LITIGATION (straddler plaintiffs)

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This document pertains to all cases listed on
Exhibit "A"

DECLARATION OF RICHARD LEFF

I, Richard Leff, pursuant to 28 U.S.C. §1746, affirm under the penalty of perjury
that the following is true and correct:

1. I am a partner in the law firm of McGivney & Kluger, P.C., counsel for
defendants American Express Company, American Express Bank, Ltd. American
Express Travel related Services Company, Inc., 90 Church Street Limited Partnership,
Boston Properties, Inc., Lehman Brothers Inc., Lehman Commercial Paper Inc., Lehman
Brothers Holdings Inc., RY Management Co., Inc., AMG Realty Partners, LP., Stoner &
Co., B.R. Fries & Associates, Inc., in these matters and a member of the Defense Liaison
Committee for the 21 MC 102 and 21 MC 103 dockets. I admitted to practice law before
this Court and am familiar with the matters set forth herein. I submit this declaration in
support of defendants' joint opposition to the motions of twenty-two (22) plaintiffs
seeking to reinstate their cases pursuant to Rule 60(b) of the Federal Rules of Civil
Procedure.

2. Attached as Exhibit "A" is a list of cases to which this joint opposition pertains.

3. Attached as Exhibit "B" is a true and correct copy of the Court's August 29, 2011 Order which set out a process for the selection of 45 plaintiffs to proceed through full pretrial discovery; set forth that plaintiffs answer a set of court-ordered interrogatories stored in the TCDI database; that each plaintiff must personally swear to his or her interrogatory response by signature.

4. Attached as Exhibit "C" is a true and correct copy of the Court's September 28, 2011 Order confirming each interrogatory must be answered separately and under oath and extending plaintiffs' time to answer the interrogatories to October 31, 2011 pursuant to plaintiffs' request.

5. Attached as Exhibit "D" is a true and correct copy of the Court's November 8, 2011 Order rejecting improperly certified interrogatories; requiring certifications be supported by an official oath or sworn to under the penalty of perjury pursuant to 28 U.S.C. §1746; and again extending plaintiffs' time to answer the interrogatories to November 18, 2011 pursuant to plaintiffs' request.

6. Attached as Exhibit "E" is a true and correct copy of the Court's November 17, 2011 Order again extending plaintiffs' time to answer the interrogatories to December 2, 2011 pursuant to plaintiffs' request. This Order notes there will be no further enlargements of time.

7. Attached as Exhibit "F" is a true and correct copy of the Court's December 8, 2011 Order denying Plaintiffs' Motion for further extensions of time and dismissing 170 cases, with prejudice, for failure to prosecute their cases.

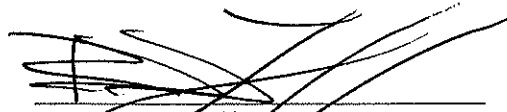
7. Attached as Exhibit "G" is a true and correct copy of the Court's July 25, 2012 Order granting defendants' joint motion to dismiss 31 plaintiffs who failed to properly submit interrogatory responses by the Court's deadline.

8. Attached as Exhibit "H" is a true and correct copy of the Court's April 4, 2012 Order denying reinstatement of six (6) of thirteen (13) cases which were dismissed via the Court's December 22, 2011 Order for failing to follow the Court's instructions concerning the submission of proper interrogatory responses by the Court's deadline.

9. I declare under the penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Dated: New York, New York
September 7, 2012

Respectfully submitted,



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